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10/516,542

12/02/2004

Osamu Ochino

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1733

MAIL DATE

DELIVERY MODE

04/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/516,542

Applicant(s)

OCHINO, OSAMU

Examiner

Geoffrey L. Knable

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 2-14.
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


Geoffrey L. Knable
Primary Examiner
Art Unit: 1733

Continuation of 3. NOTE: the removal of any reference to spiral winding in the claims raises new issues. Further, the new reference to forming a belt layer "on a rotating support" in the absence of any reference to spiral winding raises new issues, including at least possible issues of lack of description/new matter as there does not appear to be any reference in the original disclosure to forming the belt layer on a rotating support that is not in the context of spiral winding. Also, newly referencing a "small width band body" raises new issues. Finally, placing only the viscosity requirement of claim 2 within claim 14 raises new issues including new combinations of features that were not previously claimed. .

Continuation of 5. Applicant's reply has overcome the following rejection(s): the lack of description/ new matter rejections from the last office action although there are potentially new issues raised as noted above. .

Continuation of 11. does NOT place the application in condition for allowance because: principally the reasons of record. With respect to the 112, second paragraph rejections, applicant's description of these method steps have been carefully considered but some ambiguities remain (and some new issues are raised). For example, the claims now define that the belt layer is formed on a rotating support, it being argued in particular that "the affixing of the band-shaped body means that the band-shaped body is wound on the rotating support so as to arrange these bodies side-by-side in the widthwise direction of the support (at a given inclination angle...)". This remains confusing as the only belt formation methods that would normally include winding a band on a support typically are those that are directed to forming what is typically called a spirally wound belt or cap ply (e.g. as in GB 1487426). The process used to form standard angled belts (with the cords at for example opposite angles of 21 degrees with respect to the equatorial plane of the tire) would however not normally be referred to as a winding process if a small width band is used. In particular, when using a small width band, such a belt would typically be built up by successively depositing cut pieces of the band material at an angle on a support (e.g. fig. 5 of EP 1174236 of record), the pieces being joined side by side. It however is not seen how this can be described as a winding process or reconciled with the originally disclosed methods. The scope of exactly what is intended by the three methods thus remains very confusing when viewed in the context of what the ordinary artisan would understand as normal tire building techniques. Additionally, method (3) is confusing as it is not clear what is occurring during tire shaping and in fact, it is still not clear what this "tire shaping" represents. Note that tires typically can either (1) be built cylindrically followed by toroidally shaping them and then transferring the toroidally shaped green tire into the mold for final curing/shaping; or (2) be built around an already toroidally shaped form followed by transferring to the mold for final curing/shaping. It is not even clear which, if either, of these methods are being described or even which of the various "shaping" steps that a tire undergoes during building is being referenced. Clarification is therefore required for the examiner to be able to accurately and completely address these requirements. .